

GUAM ANCESTRAL LANDS COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Wednesday, July 25, 2018 • 2:11 p.m. to 5:28 p.m.
Notices were published in the Guam Daily Post on Wednesday, July 17, 2018 and Monday
July 23, 2018 in the Guam Daily Post.

I. Call to Order

Vice Chairman Laguana called the regular meeting of the Guam Ancestral Lands Commission to order at 2:11 p.m., noting a quorum. In Compliance with public law 24-109, Guam Ancestral Lands Commission published the public meeting announcement on Tuesday, July 17, 2018 and Monday July 23, 2018 in the Guan Daily Post.

II. Roll Call

Present were: Chairman Anthony Ada, Vice Chair Ronald Laguana, Secretary / Treasurer Maria Cruz, Commissioner Ronald Eclavea, Commissioner Anita Orlino, Commissioner Antonio Sablan, Commissioner Louisa Wessling, Director Michael Borja, Deputy Director David Camacho, Legal Counsel Nicolas Toft, Senator Tom Ada's Office Joe Borja, GALC Staff Land Agent Joey Leon Guerrero, and Recording Land Agent Stephanie Duenas.

III. Approval of Minutes

Vice Chairman Laguana on the agenda for approval of the minutes from the meeting of June 25 2018.

Commissioner Cruz I was reading over how the minutes were patterned. You always have to put down when the minutes started and people who attended it. and that includes any guest speaker or any from the public. It really just summarizes the minutes and also, the outline of the minutes is really important for anybody to clearly understand what category it's referring to on those bullets but it could be improved.

Chairman Ada are you suggesting we retype it as opposed to maybe just attaching the copy of the roll call sheet?

Commissioner Cruz in the beginning, this is the first thing you do, put down the minutes and who attended, and that includes Attorney's and everyone. let me just maybe forward a copy of what I got online.

Vice Chairman Laguana responded I agree because in other board Mr. Chair I see it there, the members were present and who were absent at the top.

Commissioner Cruz you also need to put down the public law for the meeting, so that one is missing here, the announcement.

Chairman Ada perhaps before Stephanie prints it out for us maybe, she needs to show it to you and then tell her what to add. Is that okay, can we do that?

Commissioner Cruz sure.

Deputy Director Camacho and again, that's subject for correction while we're reviewing it.

Chairman Ada subject for corrections. Anything else? The Farmers Coop seven years, is not yet due,

Vice Chairman Laguana from 2013 to ..is 2019, right?

Chairman Ada yes, your right, I think that should be 2019.

Vice Chairman Laguana no it's correct. Yes, that's correct 2020.

Commissioner Wessling commented on the recording of them minutes here the Farmers Coop, it just says it was in May of 2013. What is it? maybe if you we're to read these minutes, I think it needs to be more clarification as to what was in May of 2013. If that was the lease execution date or at least that was the execution date, I would think or whatever it was that we talked about. there should be more clarification on the points of the recording of the minutes.

Chairman Ada the lease agreement was in May 2013

Commissioner Wessling and then, whatever it's not going to be seven years.

Deputy Director Camacho I believe that she has to review the recording. again, because this I what is extract from the recording, this is what she's going to put down.

Commissioner Wessling agrees with Deputy Director Camacho.

Chairman Ada maybe on the main paragraph on the lease agreement,

Deputy Director Camacho if that is on the recording?

Chairman Ada the title will be the Farmers Coop lease agreement and then, that makes those sentences correct.

Commissioner Wessling responded that's correct, just a little more clarification as to what was talking about.

[Chairman Ada notes the arrival of Commissioner Eclavea.]

Commissioner Sablan if we can we just move then and tabled it and have it corrected and then we can reconsider approving.

Chairman Ada okay then we'll bring it up again.

[All Commissioners agrees of the GALC Meeting Minutes for June 25, 2018 to be summarized and retyped.]

Chairman Ada instead of subject to corrections, corrections made and then when they're brought to like approve, right?

Commissioner Cruz tabled to the next meeting.

Chairman Ada so probably on the minutes to make it easier for Stephanie for example who attended the meeting, we'll cut and paste the roll call and just mark it there. It's kind of redundant but I guess it's okay instead it's causes people not to have to look at another form to find out who was there in the meeting. will that be okay group?

Deputy Director Camacho Mr. Chair why can't one of you guys review the minutes prior to us submitting it because it's what you want. If she's going to just do what she's doing, we need somebody from you like the secretary to review it because it's what you want on the minutes.

Commissioner Orlino remember when she transcribes the minutes is what we say here. You have to understand that.

Chairman Ada when she follows the format, she can type it out send it to you and make sure that it looks good and then just say okay.

Commissioner Cruz agrees with Chairman Ada. Again, this is a summary, we just need to include more...

Director Borja I'll have Stephanie work with one of the other commission recorders that does up minutes as they should be and have her model it from that because that standard is usually recognized. So, I'll have her work with cristina Gutierrez.

Deputy Director Camacho Mr. Chair, before we proceed could we make a correction on the agenda, under New Business (B). to create an account Public Law, change 215-34 to Public Law 34-108.

Chairman Ada the 215-34 is the Bill No.

IV. **Old Business**

A. **CLTC applicants on GALC properties and MOU between GEPA and GALC**

Director Borja the response from Acting Administrator, Walter Leon Guerrero was that he's got a conflicting schedule with the ambassador to the Philippines this afternoon and would like to meet at the next meeting. I did send that email to his Chairman and Vice Chairman as well as his Legal Counsel and Deputy.

Chairman Ada responded we wanted to hear from him directly Mr. Leon Guerrero could have just written a letter and responded to you and say these are the issues that I have with the MOU.

Director Borja responded you give them a formal notice to terminate.

Chairman Ada the EPA had the MOU for months now and I sent a letter and copied everyone, and still no response and commissioners were puzzled.

Director Borja responded that he sent an email for their administrator to be present today at our meeting and also, sent out to they're chairman and vice chairman of they're board. So, his board was informed along with their Legal Counsel.

Chairman Ada commented to the commissioners, that he agrees with Director Borja. Asked if EPA is current on their payments.

Director Borja responded I don't think so.

Deputy Director Camacho they haven't made payments according to the MOU.

Commissioner Sablan we got to terminate our contract.

Commissioner Orlino we approve when we write to them.

Commissioner Wessling agrees with Commissioner Orlino.

Director Borja for all of those who intent to terminate.

Chairman Ada we progressed in further describing and identifying. [CLTC applicant's on GALC properties]

Director Borja we've pointed of them out in the last meeting.

Commissioner Orlino we're supposed to discuss that today so, what are we going to do today regarding on CLTC applicants on GALC properties.

[Chairman Ada notes the discussion of the easement for Lot 5354-3A-1-1, Barrigada is being utilized by applicant Theodore S. & Gloria B. Nelson to access to their property]

Deputy Director Camacho commented that he asked Joey to verify the easement of the road was made prior to the release of the property, according to that any easement that has been on the release is considered an easement.

Director Borja say's that Joey did respond, there was no agreement between the U.S. Government and the Nelson's for the use of an access through their properties to get to the

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Nelson property. There was never any agreement they have on file with the Nelson's and what the Nelson provided instead to show their justification as Ancestral letter that allowed them to have access to another right of way but, not this one.

Deputy Director Camacho responded what we're saying is that prior the release from the Federal Government, if there's an easement. There's a covenant on all of the releases It's not releasable, its' considered an easement.

Chairman Ada responded with the federal government, they said that they've already put an easement and they reserve that right, but is this one with the Federal Government being made.

Director Borja no, there was no easement there that they had.

Deputy Director Camacho during the release there's an easement already and that's the question, whether it remains an easement on us.

Director Borja responded it wasn't a declared easement by the U.S.

Chairman Ada says is that another case of adverse possession, they start using it and then because they use it for so long it becomes...

Commissioner Sablan that's exactly what I was going to say, it's called prescriptive easement, when something is being used and you don't stop them, they have the right to own it.

Legal Counsel Toft you can't get adverse possession against the government.

Deputy Director Camacho responded it's still government.

Chairman Ada this is a family that is well known. They're not a bad family, they just got a road that went through Ancestral Lands property.

Commissioner Orlino they were given authorization to bring it up. Mr. Camacho?

Director Borja responded in a different right of way.

Commissioner Orlino the understanding is there's an authorization for them, not this particular...

Deputy Director Camacho the dispute for the easement of the property went to the board and the board approved the easement further down right across the marbro entrance. way back there's an existing road going down toward the marbo cave, that's the one that was authorized from Ancestral.

Chairman Ada for the research what we're going through, we clarify to the family what was approved by the board and that current road that they're using, we'll continue to let them use it until they open up the road where it was supposed to be that it was approved. And let's see how they respond, whether it's prescriptive easement or it cannot be adverse possession, when we're trying to make this thing attractive for RFP.

Commissioner Sablan commented there's a lot of things to consider like the bull cart trail.

Chairman Ada we just need to clarify. At this point here they've been using it, but what was approved by the board was a like a boomerang and we want to have them regularized themselves in level ranks, so that we can claim the whole Ancestral Lands property, or highest and best use development.

Chairman Ada responded N5D they're some properties there, but from what I understand, CLTC told them they can use that foot print, right?

Deputy Director David Camacho responded the one on N5D they're aware of it that upon notice they'll move out the other family chamberlain, they moved out already, now the biggest problem is up at northern next to ukudo, where they build concrete building already. This was brought to CLTC board meeting way back and it was being asked they're should be a land exchange between CLTC and GALC, it latched on and up now it hasn't been further addressed, it needs coordination between Ancestral and CLTC,

Chairman Ada asked is that route 3 near ukudo?

Deputy Director Camacho responded yes. The straight building within the Ancestral property right next to the boundary line,

Chairman Ada responded your suggestion is the best solution is to exchange because they have a concrete building.

Deputy Director Camacho that is between both board the Ancestral and CLTC,

Chairman Ada responded because they built their concrete building because CLTC says you could.

Director Borja commented no I think they were already preexisting, weren't they?

Deputy Director Camacho responded no what we gathered is that they thought it was CLTC property when they issued it out.

Chairman Ada responded but in order to build, the should of have it surveyed,

Commissioner Orlino responded that's the first thing to do when they issue you a lease, you do the survey. So, there's an existing concrete building there.

Chairman Ada responded hold that thought, let's get back to the one where okudo, does it have a name or lot

Deputy Director Camacho responded next to lot10120, the Ancestral property Annex No, 1, former camadusa. This is behind northern market; this property is adjacent to where the fire department and police department we're given from one of the Ancestral properties. I don't know if you guys have a copy of these photos, but the photos were pasted out from last meeting.

Chairman Ada Commented that our options on this, is that we need to work with CLTC to exchange to another property.

Deputy Director Camacho responded but then again, it's up to this board what to do with it.

[Chairman Ada notes the families that are on GALC property are Ron Binondo and Maria Cruz Salalia, multiple family.]

Chairman Ada responded which direction should we take on this, there's a concrete structure on this, shall we move towards getting a swap with land trust or do we take a look at the area, I don't think that's variable. It's way in there, where the new Farmers Coop flea market then, you start driving up wettengel just before the rugby field, there's a gravel road going in, military pipeline.

Director Borja commented the property was part of a navy return after the fact. There was that confusion exactly what was there's and what was not.

Commissioner Wessling responded so we know that these families have been here for twenty thirty years, is that what we're saying?

Director Borja responded probably got their lease after 1997.

Chairman Ada responded our mandate is to develop properties to... as developer's the one thing that we need to locate that's ancestral lands property. CLTC recipients were directed to that this is the place for them. so, it happened already this concrete structure. Let's take a look at this, is this something that we can develop?

Director Borja responded that whole area was all considered to be part of a big area for community parks. So that whole area including where those houses are at are all here for ball field planning. There sports complexes.

Chairman Ada responded so, in knowing that, we just communicate with the Chamorro land trust and say okay. They're there already they're living and they're having children and grandchildren but, we want to swap.

Commissioner Wessling responded that would seem equitable for Guam Ancestral Lands if Chamorro Land Trust is willing to swap value for value. My next question is now here we are

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many years into the future so, do we have mechanism in place to prevent something like this from happening because once you agree not to force anybody out and then just to do an exchange if somebody. Because is there something to prevent anybody else, like I said just flopping themselves down on Ancestral Land on building a concrete structure. I just want to make sure that we protect what we have.

Commissioner Wessling responded I know that it's been asked previously how far are we along in identifying everything. I know I haven't heard a hundred percent done in identifying it.

Land Administrator Borja didn't they just present last meeting.

Deputy Director Camacho responded we did but according to Paul Santos they're almost finished on that,

Chairman Ada responded if you get that structure, survey development fund going maybe we can help adding to...

Deputy Director Camacho that's how we found out about this when we identified the Ancestral property up on that area.

Commissioner Eclavea responded I just wanted to point out regarding Chamorro Land Trust properties. a lot of Chamorros were preoccupying where they think when they get called go in and survey they're just going to survey their area that they've been ranching at already and already built and a lot of them are already pre-anticipating they were going to be called so they went in there and they put in solid structures. This might have been something similar to that. that where they were anticipating something that was going to happen and it happen to be Ancestral Lands property.

Commissioner Cruz they got a permit.

Chairman Ada this identifying of Ancestral lands property was addressed the issue whether the person belongs there or not. on N5D they were actually CLTC identified that's where you can build.

Deputy Director Camacho I believe you can get that answer, he's here

[Deputy Director Camacho notes the presence of applicant Joseph D. Leon Guerrero concerning Route 15, Mangilao.]

Attachment aerial photos of location on N5D dated June 13, 2018.

Chairman Ada questions for applicant.

Commissioner Orlino asked applicant whose John Taitingfong Leon Guerrero?

Mr. Leon Guerrero my father, deceased.

Chairman Ada asked are you one of those properties that were talking about where is CLTC properties on Ancestral Lands property.

Joseph Leon Guerrero yes.

Chairman Ada asked just for the record you're Mr. Joseph D. Leon Guerrero. Can you describe where your property that you're at?

Mr. Leon Guerrero the property is located on route 15 backroad pagat, Mangilao, a little bit closer to the gulf course.

Chairman Ada asked is your ancestral Taitingfong Leon Guerrero?

Mr. Leon Guerrero my father.

Chairman Ada lot Radio Barrigada C. asked applicant is this N5D right after the gulf course?

Mr. Leon Guerrero yes.

Chairman Ada the issue that Chamorro Land Trust properties are further in and this is Ancestral Lands.

Deputy Director Camacho asked I thought that you got a house in Tamuning.

Commissioner Orlino asked Mr. Leon Guerrero are you renting out the house.

Mr. Leon Guerrero no, that's my house.

Commissioner Orlino and you moved to Chamorro land Trust.

Mr. Leon Guerrero yes.

Commissioner Eclavea asked Mr. Leon Guerrero how is it that you ended up in that place?

Mr. Leon Guerrero my father just put in an application fee for the property in 1996 and I don't know how it was given to him to build there.

Commissioner Eclavea how did you get the location to go right in that particular spot?

Mr. Leon Guerrero I don't know.

Commissioner Eclavea your father just assumed that, that was Chamorro Land Trust and went there. I don't think Chamorro Land Trust agent said okay.

Mr. Leon Guerrero well, he put in an application for Chamorro Land Trust and that's when they told him to go ahead and build.

Commissioner Eclavea somebody literally went and said, took you to a spot.

Mr. Leon Guerrero yes. they walked him in there.

Commissioner Eclavea they walked him in there.

Mr. Leon Guerrero told him they said we're building here because this is for arrendu.

Commissioner Eclavea you guys have an arrendu property but, it wasn't in that area.

Chairman Ada arrendu is the old term from the navy government days but, it's the same idea.

Mr. Leon Guerrero for the land is that my father thought within the time like our kids having kids in the generation. we're going to run out of land.

Commissioner Eclavea it's basically liked an oversight or something.

Director Borja when lands were issued back on those days too, they gave them out as portions of a large lot. And then they said now survey out your portion, without a survey being done they just assumed of. and somewhere here,

Chairman Ada asked Mr. Leon Guerrero if he had a survey map on this footprint where this house is located.

Mr. Leon Guerrero no I haven't had any survey done on this property.

Chairman Ada so you're not receiving any kind of billing from Rev and Tax, or land and building tax.

Mr. Leon Guerrero yes.

Chairman Ada we're trying to sort this out.

Mr. Leon Guerrero even me I'm trying to sort this out as well, I tried to connect all of us together.

Chairman Ada we want to solve the problem the best for you and we'll let you take over and listen to your ideas.

Mr. Leon Guerrero my idea is determined on the commission's decision. My mother is already getting old and doesn't have too much time, I hate to say. My father and her have been living on that property for thirty-three years, if you could just give her another couple more years or figure

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out another place where we can be relocated and is close to power and water. And I heard now that GPA is charging eighteen thousand dollars per pole, I don't think we have that enough resources. And then, additional fifteen thousand dollars for water to connect a new meter so, I don't know how we'd that for relocation fee for stuff from them if we apply to how we're going to relocate five members of the household there.

Chairman Ada our mandate here is to make the property ready for development.

Mr. Leon Guerrero responded yes.

Deputy Director Camacho I believe in 2012 I talked to you up at your ranch.

Mr. Leon Guerrero responded my father?

Deputy Director Camacho one thing that they told me is that they have a residence in Tamuning where they are actually staying and we did advise him that the property belongs to Ancestral Lands and I advise the individual that once we give them notice to move out, they're going to move out. not to keep on building, it's a tin roofing house. It's not that well built on the property, it's a ranch.

Chairman Ada responded to Mr. Leon Guerrero you are aware of this information.

Mr. Leon Guerrero yes.

Chairman Ada you father did qualify for Chamorro Land Trust lease? At the very minimum, perhaps we'll work it out with Chamorro Land Trust to find you another footprint.

Director Borja responded but, they we're never issued a lease.

Chairman Ada couldn't be done because it was on Ancestral Lands property.

Director Borja no, I don't know what the particulars are. but if they we're waiting for a survey to get done, that may have been the reason and you have the application right there.

Mr. Leon Guerrero yes, I have the application.

Director Borja responded Mr. Leon Guerrero wasn't even eligible yet at the time, for the issuance of the lease, because they haven't reached to that date and time for that lease.

Commissioner Wessling asked Director Borja what was the date on that application?

Director Borja January 1996. And the eighty percent of all our current applications were from December 1995.

Chairman Ada responded we haven't reached 1996 yet.

Director Borja responded no.

Mr. Leon Guerrero responded yes. I haven't told my mother yet of what's going on yet so, it will be the decision of you guys, as long as we can work together.

Chairman Ada responded we're going to work it out but, you do have another house in Tamuning, is anybody staying on that?

Mr. Leon Guerrero well the house that we have right now, has been deeded over to me now. me and my wife now can live in the house in Tamuning now. my oldest son now is also living in the ranch at 15 j's. so, there's no other place to put these misplaced individuals. I only have a (3) bedroom home.

Chairman Ada we're trying to identify all the properties that belongs to Ancestral Lands so we can make them ready for lease because we want to earn money to pay the Ancestral Lands owners that will never get their land back. so that's our focus. And this here if we put it put for development and your structure is right there in the middle of it. we didn't put it to a vote yet but, the consensus of the group is that, it needs to go so, that we could have that whole piece to work with. and so, the facts that the 1996 applicants have not been reviewed, there's no lease made. and your dad wasn't anticipating that when he gets the lease, that's where he wants to be.

Mr. Leon Guerrero responded yes.

Chairman Ada not just your location but, there's plenty of locations around of the same situation.

Mr. Leon Guerrero responded I understand.

Commissioner Sablan knowing the problem that exists where your families ranch is really part of the bigger picture could be a major development for that word benefit be Ancestral Lands Commission. Knowing that this thing exists and you know that in the future, you need to move, based again on the consensus of the Ancestral Land Commission. For the time being, what is your proposal to the commission?

Mr. Leon Guerrero responded there's no proposal now that, they're saying with the application back up, it's only on 1995, you're not working on 1996. With that being said, there's not much you can do.

Chairman Ada any more questions.

[Discussion ensues on the topic of families that are on GALC properties.]

[Chairman Ada notes before we move to the New Business in the GEDA report. we did locate area 49. It was harder to find area 51 but, we found area 49 it's a pretty good size property and that's route 3. almost directly across that water tower, finegayan.]

Chairman Ada recessed the regular meeting of July 27, 2018 at 4:10 p.m.

V. NEW BUSINESS

A. GEDA Monthly Report

Mr. Arriola representing GEDA is Larry Toves and Joann Cruz. first, we'll start with GEDA'S monthly report.

- Apra Harbor No. 1, (Commissary Junction)
 - Kwik Space
- After conducting a site visit during Oct 2017, GEDA determined that the total subleased area being utilized by tenant may need to be adjusted. GEDA is currently working with GEPA to adjust their describe utility easement illustrated on previous and maps based on actual physical location.
- Kwik Space is amendable to paying the proper net lease rate based on usable space pending on retracement on utility easements by GPA.

Chairman Ada asked Mr. Arriola would the utility easements of the drawings and the maps take much longer.

Mr. Arriola says that GEDA is working with Kwik Space, Mr. Peter Gill. And what GPA needed was an autocrat drawing from when they surveyed the property and he's currently working with his surveyor's engineer to get that.

Mr. Toves what GPA would like to do is look at the survey map that Kwik Space did. Because the commission acknowledged when we leased out properties. One of the requirements in order to check that the lease of the tenant has to survey the property. So, what we're asking Kwik Space is to provide any changes that they made to that survey map.

Chairman Ada the more space that Kwik Space is occupying, is in more space that belong to Ancestral Lands.

Mr. Toves we will eventually increase the rent that's what we're trying to do. We're trying to determine how much more rent.

Chairman Ada not Kwik Space encroaching into GPA.

Mr. Toves no, they're not encroaching into their property. We only authorize them to use so much property when we initiated this lease and so, we've determined that they're actually using more of it.

Chairman Ada agrees with his respond.

Mr. Arriola

- Apra Harbor Reservation F-12 9Polaris Point)
- Matson Navigation Company
- Sublease between Marine and Cabras Marine Corp was terminated effective on May 31, 2018.

Chairman Ada that wasn't too long, how long were they there. Not yet a year.

Mr. Arriola less than six months.

Chairman Ada responded when they terminated their up to date on that sublease whatever they needed to pay for it. on sublease we approve it. we get (11) percent of that, right.

Mr. Arriola responded yes.

Chairman Ada when they terminated, we're clear with them.

Mr. Toves we'll show the records to GALC staff, I think we already closed out the account.

Chairman Ada just for curiosity, did they go in there for (6) months and decided that's not what they wanted. or is there something negative about the property.

Mr. Toves, we don't have a relationship with the tenant Mr. Chairman, there was no explanation to us. We just got this notice it was although it terminated in May we just got the notice in June. no explanation on the termination that they provided us.

Mr. Arriola

- Portion of Lot Apra harbor Reservation F-12 Parcel N14-1, Polaris Point
REP 17-009

Negotiations meeting between Negotiation Team Member GEDA and Highest ranked offeror in response to RFP are ongoing.

Chairman Ada asked if Mr. Arriola if he had the meeting yesterday because he couldn't make it to the meeting.

Mr. Arriola responded yes.

Chairman Ada asked if the negotiations are progressing.

Mr. Arriola responded yes.

- **N5D Mangilao (Route 15)** – Issuance for the new RFP N5D 72-acre parcel is on hold until resolution is reached on the legal dispute between the GALC and WSTCO for its license at the instruction of GALC's Legal Counsel.
 - In June 2017 GEDA was informed that the court deemed WSTCO's "Slaughterhouse" license was valid until 2018.
 - In July of 2017, GEDA accepted a single payment of \$2,700 from WSTCO based on the court decision - no other payment was accepted.
 - Subsequently, the license was terminated in October 2017 by GALC, via the AG's office with GEDA as a signatory to the termination.
 - In November 2017 GEDA received a District Court summons as WSTCO filed a lawsuit
 - In December 2017 GEDA's Legal Counsel is pursuing a motion to dismiss for GEDA's Administrator.
 - On February 26, 2018 the GALC moved a court for an order saying discovery and in Following in march 1, 2018, GEDA Administrator also moved the court for an order staying discovery.
 - On July 3, 2018 the District Court of Guam dismissed WSTCO case against GEDA and the GALC. Two counts were dismissed with prejudice. The plaintiff (WSTCO) was given an opportunity to file an amended on one other count. The equal protection claims.
Overall, GEDA's counsel does not feel that count is very strong. Overall, a very good Count for both GALC and GEDA.
 - Currently, the \$2,700 is still being held by GEDA until such time as Legal direction is provided as to its disposition.

Mr. Toves just for clarification our Attorney, Attorney Brooks is representing MR. Rojas our Administrator he's named in the suit. Representing the GALC is Mr. David Highsmith from the Attorney General's office. Both Attorneys have advised as to what they're working on right now to deal with this counterclaim. But then again now, this time they included GEDA in the suit. so not only our Administrator, but GEDA.

Chairman Ada responded I think all of the accounts except for one were denied and on July 3, 2018 this court dismissed WSTCO case but they haven't given a document to file an amended claim. He asked Mr. Toves if they were served the counterclaim for WSTCO yesterday.

Mr. Toves responded we were provided a copy yesterday.

Commissioner Eclavea asked if there is a filing.

MR. Toves there has been a filing of July 17, 2018

Chairman Ada asked Mr. Toves that on their monthly report it says that GEDA is still holding the \$2,700 payment from WSTCO.

Mr. Toves responded that's correct sir.

Chairman Ada responded but, not deposited. you're just holding that check.

Mr. Toves replies yes. That's the instructions of Mr. Dave Highsmith

Chairman Ada responded and then after a while it going to become stale dated.

Mr. Toves once we get direction on it, we'll return the check or like you said it will be stale dated.

Chairman Ada responded Attorney Highsmith said to hold it.

Mr. Toves when this case the two filings were dismissed, I think that was the time when were supposed to return the check but, now that we encounter claim on it the direction is to hold the check.

Chairman Ada the last payment was accepted according to this is July 2017.

Mr. Toves its already a year.

Chairman Ada that means there's more than one check, right every month they're supposed to pay

Mr. Toves no it was only one check. every time they came to make payments we didn't accept checks. Because we were instructed to not to accept checks so there's only just one check.

Chairman Ada the check that you are holding right now, can you make sure it's not six months old otherwise, it's going to be stale dated.

Mr. Arriola

- **Wettengel Junction –**

In October 2107, the Commission approved a rent deferral for Northern Market. The major Points of this referral are as follow:

- Deferment will be for 1-year effective October 2017
- Monthly rent collection will be reduced from \$25,322.28 to \$15,322.28
- 1 % monthly interest will be charged on the deferral.

- Payment of cumulated deferral amount plans interest will be payable once the construction loan is obtained within the 1 year time period.
- If the construction loan is not obtained within the 1 year period the accumulated amount will be paid in the equal monthly installments over a period of 1 year. During this period, full rents will also be paid by NM.
- Rent Deferral will expire September 30, 2018.
- Lease Rent Deferral letter was post mailed by July 13, 2018 to remind Team of upcoming expiration of Lease Deferral plan.
- Rent will still escalate 10% in 2021 per the lease.
- All rent payments are current.

Mr. Arriola based on these terms we expect a lumpsum payment of \$121,200. If that construction loan is not obtained by September 30 of this year. or a monthly installment to begin October 2018 in the amount of \$35,422.28 and ending September 2019. Which is the full rent of \$25,322.28 and \$10,100 of monthly installments.

Chairman Ada asked if he could give us that full amount of a hundred something.

Mr. Arriola \$121,200. if they get that loan that's the full balloon payment. If they get that loan before September 2018 or if that doesn't happen a monthly installment of \$25,322 plus the \$10,100, of the rent deferral payment. So, a total of \$35,422.28.

Chairman Ada we know what to expect what was Northern markets reaction this notice; did you get any reaction back from them.

Mr. Arriola no we did not, we did not get a response. We did post mail them.

Ms. Cruz, we did give them a time frame and we want them to acknowledge this letter. Also, confirm with us what their payments going to be by September 15, of 2018. so they still have time to respond to it.

Chairman Ada but acknowledging we see the letter should have been received already.

Mr. Arriola, we mail it, we post mailed it.

Chairman Ada okay.

Mr. Arriola moving along to the License Agreement for the Tyan Properties Department of Public Health is the WIC Health Program building it still remains the Same GEDA received notice that GEDA will no longer manage the license until approval of the MOU with WIC. however, we're still collecting payments. We're still invoiced on the last few meetings.

Chairman Ada asked if the MOU was approved already.

Deputy Director Camacho responded it's been approved. We doing an amended on that to include the account number for DOA.

Chairman Ada all the signatures required are gotten. we just need to let them know what account the electronic attachments.

Deputy Director Camacho we just need to let them know the amended to include the account number now. it's still with WIC.

Ms. Borja Administrator it was sent off to legal for his review.

Chairman Ada asked Mr. Arriola if they are still receiving a hard copy payment.

Ms. Cruz for WIC no. WIC is going through electronically.

Chairman Ada we cannot make it electronic because there is no account to give the them.

Chairman Ada asked when are they sending it.

Ms. Cruz it goes to our account.

Mr. Toves just to go back a little bit. When this whole idea of a new MOU between Ancestral Lands and WIC and GEPA. We were supposedly out of loop. So, we were instructed that we no longer monitor the licenses but then, subsequently that another board meeting the commission decided there were still issues with WIC and GEPA not being responsive. So, the commission asked us to continue invoicing. We're still doing that. in WIC'S case the monies still coming

Chairman Ada asked Mr. Toves when you get that electronically into GEDA'S account. how many days does it take for you to cut a check and send it to us.

Mr. Toves our agreement with the MOU is twenty days I'm almost sure that we've been actually, making payment.

Mr. Borja I think they have been making payment, we've been receiving.

Mr. Arriola I think like 5 to 7 days the latest we remitted and you guys receive It.

Chairman Ada the reason why that was initiated that was the Gatsby and their accounting form like that is an audit. We haven't been making it like this, right? what is the status of EPA.

Mr. Toves we continue to invoice. The director has reached out with the Administrator of GEPA. I've seen emails going back and forth.

Chairman Ada we did write a letter. It was not responded to. We asked if they could be present At today's meeting. They're director had to go into another conflict scheduled deal. It sounds to Me that we have to make a hard decision.to terminate them. But how much do they owe us.

Mr. Toves Just over five hundred thousand as of this invoice. As we all recall since we entered into this MOU with GEPA, we tried on all occasions to resolve the MOU with GEPA and the commission even passed a resolution for authorizing the tenant improvements of dealing of

[Cont'd from page 18]

cost and rentals. So, we continue to invoice them. that's eight thousand dollars a month for eighty thousand a square foot. That's a dollar square foot.

Director Borja asked Mr. Toves if he can get a statement of account of GEPA.

Mr. Toves responded yes. He mentioned that there has been an ongoing problem and had brought up to his administrator's attention that not just for the commission but for us as well so, he had discussion with the governor's CEO and the financial. We're hoping that the discussion will now lead to meeting to work with the administrator to resolve this.

Chairman Ada shall we terminate. Shall we put that in a form to motion.

Commissioner Eclavea make the motion to terminate the lease with GEPA.

Commissioner Sablan second it.

Chairman Ada second it by Commissioner Sablan. There was no discussion noted Chairman Ada out the motion to a vote. All in favor of the motion to terminate the lease with GEPA. Say "Aye" [Chairman Ada, Vice Chairman Laguana.] commissioner Wessling, Commissioner Eclavea, Commissioner Sablan. Commissioner Orlino [All opposed say "nay."

[Motion passed; 6 ayes, 0 nay.]

Director Borja responded what I'll do is I'll chin this up as a resolution unanimous vote on this. I'll still need to Get their statement of account s to put the exact figures of their past due on and I'll give them 30 to 60 days that they have to vacate or give us an action plan.

Vice Chairman Laguana agrees with Director Borja's response. Ans says that that it will indicate all of the paper trail there that we've been communicating with them so that the audit won't reflect our fault there.

Director Borja the agreement is really an MOU between us and them or is it between you Guys. The MOU?

Mr. Toves responded the MOU is between you guys. Our initial MOU is for our MOU for property management services. The MOU is specific between you and EPA so that DOA can release the fund so that they can make payment.

Director Borja which they haven't signed.

Mr. Toves they're on a license for thirty years.

Chairman Ada asked Mr. Toves you just mentioned so that DOA can release the funds. are you saying that DOA is holding the money that we should have?

Mr. Toves it was DOA'S direction to us, back in the early days when we just took over this license is that we had to enter in the MOU with GEDA was to be submitted to DOA so that can process the payments.

Chairman Ada responded is DOA saying this is already earmarked presented already to Ancestral Lands so, I'm going to put it in here and I'm not going to touch it.

Mr. Toves no I don't think so, it was just a formality. Just to make sure that there is some agreement that because they deal with federal funds that EPA can go ahead and get DOA to release the funds to pay the special ethics.

Deputy Director Camacho DOA is working on what they have with GEDA. They cannot Release the funds because it's part of the federal.

Chairman Ada why can't they transfer it to GEDA like the way WIC is transferring it to GEDA.

Mr. Toves this new MOU between GALC and GEDA it requires the payment Made directly

Chairman Ada but it's not put into effect because one of the required signatures.

Mr. Toves that is why we continue to invoice them but, until we get a payment, we'll remit that payment to the commission like we normally do on the past. Until this MOU is executed.

Chairman Ada earlier you mentioned but this is totally different it's the same thing. Like the way WIC us electronically transferred to you guys.

Mr. Toves we do the same thing with WIC. WIC has to have a MOU between the The commission in order to process payments so they can transfer the money

Mr. Toves into the general fund to Ancestral Lands.

B. To Create an account Public Law 34-108

Deputy Director Camacho I've already communicated with Coast 360 to open an Account. we're trying to get the payment from GEDA to separate the Polaris Point Payment and separate from the other lease payment and we need to open the account. What we are going to open is a business sharing shared savings. It's not going to be on the checking account, it's going to be on the saving. We need to give GEDA heads up on the separation of the Polaris payment and the other leases.

Chairman Ada asked do we have to tell GEDA to send it to this account or to us to deposit.

Deputy Director Camacho no separate the checks because if we put it with all the other lease payment we have to deposit it for the land bank, and according the public law any payment made goes to this account.

Chairman Ada we need a board approval to establish that account already authorized by public law 34-108 which was proceeded by bill 215-34.

Chairman Ada shall we move and vote.

Director Borja it will sound something like this I move to open up an account with coast 360 Business account with coast 360 to create the Guam Ancestral Lands Survey and Infrastructure Development Fund from the latest's proceeds the Apra Harbor reservation F-12 and parcel N-14 parcels as authorized by public law 34-108. Just say so moved.

Commissioner Eclavea so moved.

Vice Chair Laguana second it.

Chairman Ada so moved by Commissioner Eclavea and seconded it by Vice Chair Laguana, there were no discussions noted. Chairman Ada put the motion to a vote, All those in favor of the motion to approve to open an account with Coast 360 to create Guam Ancestral Lands Survey. All opposed say "nay". **[Motioned passed; 6 ayes, 0 nay.]**

[Chairman Ada notes that it's 5:15 and recommends that we table the next item C thru G for the next meeting.]

Chairman Ada is there a motion to adjourn

Commissioner Eclavea motion to adjourn.

Director Borja I think we have an individual that wants to make a couple of comments here.

Chairman Ada did you want to bring something up sir.

[Mr. Pangelinan comments that he has questions of his property taken away from the government.]

Mr. Pangelinan yes, I was there at that moment when my dad forced out and he had to sign it that paying rent. The value of the property is unknown and I was there and of course the five acres lot at the airport. I want to know why I'm the person who hear my dad was force out.

Chairman Ada asked Mr. Pangelinan if he wants to know why his dad was forced out of the Airport property.

Mr. Pangelinan responded yes.my property, my mother and das property.

Chairman Ada which property was this.

Commissioner Orlino it's not on the agenda. We'll put it on the agenda for the next Meeting.

Joey Leon Guerrero responded he just came here because he's leaving tomorrow.

Chairman Ada it looks to me that this was during the naval government time. This is in 1959 or thereabouts. So, you want to know has happened.

Mr. Pangelinan responded yes and I want my property back or exchange why they pushed him out.

Commissioner Orlino I'm not sure.

Commissioner Sablan asked Mr. Pangelinan if he was leaving the island.

Mr. Pangelinan responded yes sir. I came here for my mom's funeral and my mons funeral moved again. I don't know why.

Chairman Ada asked if we can get his contact number. Leave your contact number. We need to review this. and we'll do research on this.

Joey Leon Guerrero got his email because he lives of island but, he also, left his brother in-laws number.

Vice Chair Laguana you need to designate a representative at least.

Commissioner Eclavea we'll look into this.

Mr. Pangelinan well if you don't then find something else who can talk to me if there is nobody here in the meeting who can. But it's unfair. It's unfair to my dad. That's my stepdad. My mom is Maria Monroe. Last name it shows in title.

Commissioner Sablan asked Mr. Pangelinan if he can speak to him in Chamorro.

Mr. Pangelinan responded yes.

Commissioner Sablan responded Mr. Pangelinan says the property is his mothers.

Mr. Pangelinan responded yes.

Commissioner Sablan it wasn't taken from the federal.

Mr. Pangelinan responded no they forced it out.

Commissioner Sablan it was not condemned by the federal.

Mr. Pangelinan responded no.

Commissioner Sablan so who forced him out.

Mr. Pangelinan the police man in charge with all that deal the property deal. I don't know.

Commissioner Sablan who got it and then sold it.

Mr. Pangelinan the government.

Chairman Ada based on what you provided here.

Mr. Pangelinan it's not legal to tell my mom and dad the price of land. It's not legal Because it's not the correct amount the properties worth.

Chairman Ada we got your claim it shows that they accepted money from the property.

Commissioner Sablan what did you come here to Guam Ancestral Lands Commission.

Mr. Pangilinan don't know. If anything, I come to him Joey. I don't know anything.

Commissioner Ada Asked Joey if this is part of our inventory.

Joey Leon Guerrero it's part of the airport.

Mr. Pangelinan it's part of the airport. my mom and dad's property, five acres.

Commissioner Sablan that's not Ancestral own jurisdiction. The airport is owning it. We cannot do nothing. I want to give you back but, if it was up to us we will give you back. But that's ancestral land.

Mr. Pangelinan there is no note. I'm not scared I'm right here.

Commissioner Sablan the airport is the government.

Mr. Pangelinan no. if the government was referred to the airport but, they can't and I called the police. I know that, I was there too. I want to know what happened to the property of the five acres.

Chairman Ada responded because it was sold.

Joey Leon Guerrero Mr. Pangelinan give us time to research it and we'll contact you. or We'll find somebody else to help him.

Mr. Leon Guerrero responded if you can't then I'll find a lawyer to help me.

Chairman Ada that's a good recommendation sir. your best bet is a lawyer can discuss this Out. We'll look into your payment and if there's something that is part of ours. Then We'll put it on the agenda. Did we motion to adjourn?

Vice Chair Laguana yes

VI. Public Comments

[No Discussion on Public Comments]

VII. Director's Report

[No Discussion on Director's Report]

VIII. Adjournment


Commissioner Eclavea move to adjourn.

Vice Chair Laguana seconds the motion with all in favor.

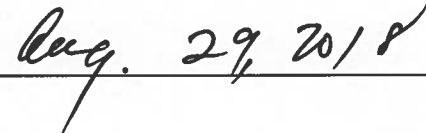
Ancestral Lands
The regular meeting of the Guam ~~Land Use Commission~~ Meeting for Wednesday, August 15, 2018 was adjourned at 5:28 p.m.

Approved by:

Date approved:




Ronald Laguana, acting Chairman
Guam Ancestral Lands Commission



Aug. 29, 2018

Transcribed by:



Stephanie Duenas, Recording Land Agent
DLM, Guam Ancestral Lands Division